

**Draft Finding of No Significant Impact
Environmental Assessment Document,
T' iss Ts' Ozi Bi' Olta' (Crownpoint) Community School Replacement**

**Location: Crownpoint, NM Quadrangle, USGS 7.5 Minute Series Map
Township 17 North, Range 17 West
Crownpoint Chapter, McKinley County, New Mexico, Navajo Nation**

Based on the attached final Environmental Assessment (EA) for the T' iss Ts' Ozi Bi' Olta' (Crownpoint) Community School Replacement project for a proposal to build new academic and dormitory facilities on a 16 hectares (40 acres) site within the BIA Withdrawn Administrative Area in Crownpoint, New Mexico on the Navajo Nation, I have determined that by implementation of the proposed action and environmental mitigation measures as specified in the EA, the proposed T' iss Ts' Ozi Bi' Olta' (Crownpoint) Community School Replacement will have no significant impact on the quality of the human environment. In accordance with Section 102 (2) of the National Environmental Policy Act of 1969, as amended, an Environmental Impact Statement will not be required.

This determination is supported by the following findings:

1. Agency and public involvement was conducted and environmental issues related to the construction of replacement facilities for the T' iss Ts' Ozi Bi' Olta' (Crownpoint) Community School were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA discloses the environmental consequences of the proposed action and the “no-action” alternative.
3. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Fish and Wildlife (NDFW), Natural Heritage Program. The NDFW determined that the project area is in an area which has been designated as Zone 4 (Developed). Therefore, the project area does not provide suitable habitat for any federally or tribally protected animal species (EA, Appendix A). No impacts to tribally or federally-listed threatened or endangered species are expected to result from the proposed action. A pedestrian survey of the project area was conducted on May 31, 2006 by Mike Tremble, Ecosystem Management, Inc. (EMI) biologist. The proposed project will have minimal impact on the biological resources in the project area. The vegetation removed will include Siberian elm trees. The site may provide foraging habitat for animals in the area, but similar habitat is abundant adjacent to the site.
4. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 and 36 CFR 800.9 (b), a cultural resource inventory was conducted on the project site by EMI on May 31, 2006. The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form (CRCF), HPD-06-727, indicating “No historic properties affected” (Appendix B).

In the event of a discovery [discovery means any previously unidentified or incorrectly identified cultural resources including, but not limited to, archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices] all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified.

5. Impacts to the public health and safety are mitigated through implementation of safety measures (EA, 4.14.2).

6. Potential impacts to floodplains affected by the proposed alternative have been evaluated in accordance with Executive Order 11988 and 11990 respectively. No floodplains will be impacted. There are no wetlands, riparian zones, or other sensitive biological communities within or adjacent to the project area.

7. No violations of the water quality standards are anticipated with the implementation of the preferred alternative. A Spill Prevention, Control and Countermeasures Plan will be prepared for the project. In compliance with the Clean Water Act, as amended, Section 402(p), Storm Water Pollution Prevention Protection, a Notice of Intent (NOI) for storm water discharges associated with construction activities shall be filed with the U.S. Environmental Protection Agency by the operator. A Stormwater Pollution Prevention Plan (SWPPP) addressing storm water runoff mitigation will be prepared for the site.

8. A Phase I Environmental Site Assessment was performed in accordance with American Society for Testing and Materials (ASTM) standards (U.S. Army Corps of Engineers, Albuquerque District 2007). One recognized environmental concern (REC) was identified in the project area. The presence of a solid waste dumpsite in the northeastern corner of the site was determined when geotechnical staff drilled into the dumpsite to obtain geotechnical information. The landfill was closed in approximately 1981. The contents and size of the solid waste dumpsite in the project area cannot be determined at this time. Therefore, a Phase II Environmental Site Assessment to identify the contents and exact location of the solid waste dumpsite will be conducted before construction in the northeastern corner of the site commences. No facilities will be constructed over the closed landfill.

9. RCRA, Subtitle C, Hazardous Waste- the operator shall comply with all regulations that regulate the use and disposal of hazardous waste. Spill prevention, containment, disposal and countermeasures relative to hazardous waste that could result from operation of the facility will be outlined in the Spill Prevention Control and Countermeasures Plan (EA, 4.9.2).

10. RCRA, Subtitle D, Non-Hazardous Solid Waste-construction waste materials shall be taken to approved landfills or transfer stations (EA, 4.9.1).

11. Air Resources-the proposed action would result in minor, temporary impacts on air quality. Implementation the project would result in a temporary increase in vehicle traffic emissions from trucks delivering construction materials. The contractor will consult with Navajo EPA and obtain a permit to operate a hot asphalt plant, should one be used for this project (EA, 4.3)

12. Noise-construction activities will result in temporary increased noise from trucks and heavy equipment during daylight hours. Noise levels are not expected to exceed any regulatory thresholds as a result of the proposed action.

13. Noxious weeds –the operator shall implement Best Management Practices to prevent the introduction of non-native, invasive plants to the project area. The Navajo Nation Department of Agriculture may be consulted regarding management and control of noxious weeds (EA, 4.4.1).

14. In accordance with Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA

Coordinator, as have impacts to Indian Trust Resources. Residents in four trailers in the Pat Chee Miller Trailer Court will be required to vacate the rental trailers. Sufficient notice will be provided to the residents to allow them to find other accommodations.

15. Cumulative and secondary effects on soil, water, air, noise, vegetation, cultural resources, and wildlife resources were considered, and the proposed mitigation measures were found to be acceptable. Upon completion of the project, disturbed ground surface that is not landscaped will be reseeded with native species (EA, 4.1.2).

16. The proposed action will improve the safety of the school's students and staff. The learning environment will be enhanced for the students.

Regional NEPA Coordinator

Date